

**IN THE UNITED STATES DISTRICT COURT FOR THE
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,**

Plaintiff,

vs.

**NEW CHINA BUFFET #8, INC., YUN DA
CHEN, and Individual and YONG KAI
CHEN, an Individual,
Defendant**

Crim. No. 5:10-CV-78 (CAR)

**DEFENDANT YONG KAI CHEN'S
STATEMENT OF MATERIAL FACTS TO WHICH
THERE IS NO GENUINE ISSUE OT BE TRIED**

Comes Now Defendant Yong Kai Chen and in accordance with the Federal Rules of Civil Procedure in conjunction with the Local Rules of the Middle District of Georgia, shows that there are no genuine issues to be tried as to the following material facts:

1.

Yong Kai Chen has never been employed by New China Buffet #8, Inc. and has never had any ownership interest in New China Buffet #8, Inc., or any other restaurant operating in Bibb County, Georgia. (Declaration, ¶ 2).

2.

In the early Spring of 2009, Yong Kai Chen began negotiating with Yun Da Chen regarding the possible purchase of New China Buffet #8, Inc. (Declaration, ¶ 3).

3.

Yong Kai Chen is not related to Yun Da Chen. (Declartion, ¶ 3).

4.

As part of his due diligence, Yong Kai Chen came to Macon Georgia in the Spring of 2009 and spent a few days at New China Buffet #8, Inc. in order that he could observe the restaurant functioning. Mr. Chen did not want to purchase the restaurant without first seeing it in operation. (Declaration, ¶ 4).

5.

After spending a few days at the restaurant and observing its operation Yong Kai Chen decided that he did not want to purchase New China Buffet # 8, Inc. (Declaration, ¶ 5).

6.

Yong Kai Chen has never: had the power to hire, fire or discipline workers at New China Buffet # 8, Inc.; had responsibility for supervising or controlling work schedules or conditions of employment for workers at New China Buffet # 8, Inc.; determined the rate or method of compensation for workers at New China Buffet #8, Inc.; maintained any employment records for workers at New China Buffet #8, Inc.; had control over the day-to-day operations of New China Buffet #8, Inc.; or made any decisions about the hiring, firing or compensation of workers at New China Buffet #8, Inc. (Declaration, ¶ 6).

Respectfully submitted, this August 23, 2010.

/s Charles E. Cox, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Frank L. Butler, III
Attorney for Defendants New China and Yun Da Chen

Karen Mock
Senior Trial Attorney
Office of the Solicitor
U.S. Department of Labor
61 Forsyth Street, S.W.
Room 7T10
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I also certify that I have mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

N/A

Respectfully submitted,

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